IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

FRIDAY, THE 9TH MARCH 2007 / 18TH PHALGUNA 1928

WP(C).No. 3352 of 2007(Y)

PETITIONER:

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1. SHIBU MATHEW, AGED 24 YEARS,
S/O. MATHAI, MUTHUVANCHERRY,
NJARALLOORKARA, KIZHAKKAMBALAM P.O.

2. ELDHO PETER, S/O. PATHROSE,
AGED 30 YEARS, ELLATTU, MALAYIDOMTHURUTHU P.O.

3. P.P.JOY, S/O. POULOSE, AGED 35,
PURAMADOM HOUSE, MALAYIDOMTHURUTHU P.O.

BY ADV. SRI.P.SATHISAN

RESPONDENTS:

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1. STATE OF KERALA, REPRESENTED BY
SECRETARY, (CO-OPERATIVE SOCIETIES),
SECRETARIAT, THIRUVANANTHAPURAM.

2. JOINT REGISTRAR OF CO-OPERATIVE
SOCIETIES (GENERAL), ERNAKULAM.

3. THE MALAYIDOMTHURUTHU SERVICE
CO-OPERATIVE BANK LTD.NO.2794,
REPRESENTED BY ITS SECRETARY,
MALAYIDUMTHURUTHU P.O., ERNAKULAM, REPRESENTED BY
ITS SECRETARY.

ADDL.4. BABY P.V S/O VARGHESE
PUTHIYA MADOM HOSUE ,VILANGU
EDATHALA (VIA), ALUVA, ERNAKULAM DISTRICT

ADDL5. SIBI K.V. W/O P.P.BABY
PARAYIL HOUSE, KARUKULAM KARA
VILANGU P.O, EDATHALA (VIA)
ALUVA, ERNAKULAM

(ADDL.R4 & R5 ARE IMPLEADED AS PER ORDER IN I.A. No 2890 DATED 21-2-2007)

BY SRI.P.V.BABY
BY M.M.MONAYE
BY GOVERNMENT PLEADER SRI.P.K.RAVIKRISHAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 09/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.PAPPENDIX

PETITIONER'S EXHBITS

Ext.P1: True copy of the paper publication in Deshabhimani daily dated 1-12-2006

Ext.P2: True copy of the Call letter issued by the Malayidomthuruthu Service Co-operative Bank, Malatidomthuruthu to the 1st petitioner dated 8-1-2007

Ext.P3: True copy of the Call letters issued by the Malayidomthuruthu Service Co-operative bank, Malayidomthuruthu to the 2nd petitioner dated 8-1-2007

Ext.P4: True copy of the Notice issued by candidates

Ext.P5: True copy of the complaint submitted before the 2nd respondent

Ext.P6: True copy of the Acknowledgment receipt of the complaint dated 20-1-2007

RESPONDENT'S EXHIBITS

Ext.R4(a) True photocopy of appointment order dated 27-1-2007 issued by the Bank in favour of P.V.Baby

Ext.R4(b) True photocopy of appointment order dated 27-1-2007 issued by the Bank in favour of Sibi K.V.

//True copy//

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S.SIRI JAGAN .J

W.P (C) No. 3352 of 2007

Dated this the 9th day of March 2007

JUDGMENT

The petitioner challenges selection to the post of Salesman and Attender in the 3rd respondent society. According to him the selection process is not transparent in so far as the test and interview were only a farce. He would submit that everybody knew that additional respondent 4 and 5 were to be appointed even before the selection process started. He avers that in Ext.P5 complaint filed by him even before the date of the selection and interview he had stated that respondent 4 and 5 are going to be appointed. The petitioner therefore seeks quashing of the selection proceedings.

2. I have considered the contentions of the petitioner as also those of the respondents. The resolution of the dispute now raised by the petitioner in this writ petition essentially involves finding of facts on evidence which cannot be done in proceedings under Article 226 of the Constitution of India. The petitioner has in fact effective alternate remedies by way of either filing petition under Rule 176 of the Co-operative Act and Rules 1969 or filing a petition before the Arbitration court under Section 69 of the Kerala Co-operative Societies Act . In the above circumstances

without prejudice to the right of the petitioners to invoke such remedies available to him under law this writ petition is dismissed. I make it clear that I have not considered the contentions of either parties on merits and the same are left open for the parties to agitate before the appropriate authorities in proceedings to be initiated by the petitioner before the appropriate authority

S.SIRI JAGAN .JUDGE

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